

App. No. 10/802,467  
Amendment mailed March 23, 2005  
Re: Office Action mailed December 23, 2004

### **REMARKS**

In response to the Office Action mailed December 23, 2004, the Applicant respectfully requests that the Examiner enter the above amendments and consider the following remarks. Unless expressly stated otherwise, the amendments and remarks made herein are irrelevant to any claims that have already been allowed or issued in this patent family. Unless expressly stated otherwise, the amendments and remarks made herein are also irrelevant to any claims in this patent family (including the present application) that the Examiner has previously indicated contain allowable subject matter.

Claims 1 and 14 have been amended to more clearly describe exemplary embodiments of the invention, and new claims 25-30 have been added. As a result, claims 1-6, 9-11, 13-18, and 20-30 are still pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the amendments and accompanying remarks.

### **Objection to the Specification**

The Examiner objected that the priority claim does not include the current status of the prior non-provisional patent application. In light of the objection, the Applicant has amended the priority claim to include the current status of the parent application.

### Objections to Drawings

The Examiner's objections to the drawings filed with the case are hereby noted. In light of the objections, the Applicant has amended Figures 1-4 in order to correct the drawing informalities.

### Rejection of Claims 1-6, 9-11, 13, and 21 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-6, 9-11, 13, and 21 under 35 U.S.C. § 103(a) as being obvious over Golder et al., Hunter et al., Hendrickson et al., or Dubelsten et al., in view of Schinzel et al., Cope '016, Cope '927, or Cope '680. The Applicant respectfully traverses the rejection.

The Applicant has amended claim 1 to describe an exemplary embodiment of the present invention. In particular, claim 1 has been amended to describe an embodiment of the siding unit comprised of a three-course composite panel. The references fail to teach or suggest a siding unit comprised of a three-course composite panel. Golder et al. only teaches a single course siding panel. It should also be noted that Golder et al. does not teach or suggest the ranges of the composite ingredients. In fact, column 2, lines 26-30, does not even teach or suggest the use of cellulosic filler and inorganic filler together in a plastic composite. On the other hand, Hunter et al. only teaches a two-course panel. Furthermore, column 5, lines 56-62, of Hunter et al. does not teach or suggest the use of cellulosic filler and inorganic filler together in a plastic composite. In particular, after teaching that the layer includes 25-65 wt. % fiber and giving wood and inorganic fillers as examples, it indicates that the use of cellulosic

fibers is preferable. As a result, one of ordinary skill in the art is not motivated to use inorganic filler and cellulosic filler together in the layer taught by Hunter et al. Similarly, Hendrickson et al. only teaches single course and two-course panels. It should also be noted that Hendrickson et al. does not teach or suggest the ranges of the ingredients of the composite. Regarding Dubelsten et al., it fails to qualify as prior art. In particular, it was filed on June 16, 2000. It is a CIP of U.S. Application No. 09/336,339, filed June 18, 1999, which is not early enough to qualify as prior art. That application is a CIP of U.S. Application No. 08/988,680, filed December 11, 1997. It issued as U.S. Patent 6,200,682. Nevertheless, a review of that patent indicates that it does not include the information relied upon by the Examiner when citing Dubelsten et al. Accordingly, Dubelsten is not entitled to an early enough filing date to qualify as prior art. Regardless, it should be noted that Dubelsten et al. does not teach or suggest a multiple course panel. In light of concerns about oil canning of siding panels, the absorption of moisture by composite materials in outdoor embodiments, and the expansion and contraction of composite materials in outdoor embodiments, one of ordinary skill in the art is not motivated to add additional courses to the panels taught by the cited references.

The secondary references fail to overcome the shortcomings of the primary references. None of the secondary references teach or suggest a multiple course panel. In addition, it should be noted that Cope '016, Cope '927, and Cope '680 refer to ingredients in amounts of parts by volume, as opposed to parts by weight. As a result,

the data provided by the Cope references is not meaningful. Furthermore, the Applicant respectfully submits that the Cope references do not teach or suggest the use of foam backing with a siding panel.

Therefore, in light of the above reasons alone or in combination, the Applicant respectfully submits that Golder et al., Hunter et al., Hendrickson et al., or Dubelsten et al., in view of Schinzel et al., Cope '016, Cope '927, or Cope '680 cannot support the rejection of claims 1-6, 9-11, 13, and 21 under 35 U.S.C. § 103(a).

Rejection of Claims 14-18, 20, 23, and 24 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 14-18, 20, 23, and 24 under 35 U.S.C. § 103(a) as being obvious over Hunter et al., Hendrickson et al., Godavarti et al., or Dubelsten et al., in view of Laver, further in view of Bistak et al. or Beshay. The Applicant respectfully traverses the rejection.

The Applicant has also amended claim 14 to describe an exemplary embodiment of the present invention. In particular, claim 14 has been amended to describe an embodiment of the siding unit comprised of a three-course composite panel. The references fail to teach or suggest a siding unit comprised of a three-course composite panel. In this regard, the shortcomings of Hunter et al., Hendrickson et al., and Dubelsten et al. have been set forth above. In addition, Godavarti et al. only teaches a single course panel, and it fails to teach or suggest the ranges of the ingredients of the composite. In light of concerns about oil canning of siding panels, the absorption of moisture by composite materials in outdoor embodiments, and the expansion and

contraction of composite materials in outdoor embodiments, one of ordinary skill in the art is not motivated to add additional courses to the panels taught by the cited references.

The secondary references fail to overcome the shortcomings of the primary references. None of the secondary references teach or suggest a multiple course panel. It should also be noted that Laver fails to teach or suggest the ranges of the ingredients in the composite. In particular, the ranges taught in column 6, lines 61-64, are inconsistent and do not make sense. Accordingly, the written description of Laver is not enabling. As a result, Laver does not qualify as prior art. Nevertheless, it should be noted that the examples given in columns 7 and 8 of Laver do not relate to polypropylene composites. In addition, it should be noted that Beshay, as best understood by the Applicant, fails to teach or suggest the amounts of lubricant and inorganic filler, if any, in Table III. Furthermore, Bistak merely relates to sound-deadening sheets for automobiles. Thus, one of ordinary skill in the art is not motivated to consider it. In addition, it fails to teach or suggest the amount of lubricant in the composite.

Therefore, in light of the above reasons alone or in combination, the Applicant respectfully submits that Hunter et al., Hendrickson et al., Godavarti et al., or Dubelsten et al., in view of Laver, further in view of Bistak et al. or Beshay cannot support the rejection of claims 14-18, 20, 23, and 24 under 35 U.S.C. § 103(a).

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#### Objection to Claim 24

The Examiner objected that claim 24 requires at least 107% by weight of ingredients. The Applicant respectfully traverses the objection. Claim 24 sets forth that the cellulosic filler is in an amount of about 40-50% by weight of the composite and that the polypropylene material is in an amount of about 50-60% by weight of the composite. Accordingly, the Applicant respectfully submits that the objection may be properly withdrawn.

#### New Claims

The Applicant has added new claims 25-30, which are directed to the novel structural characteristics of exemplary composite panels of the present invention. The cited references fail to teach or suggest composite panels having the claimed structural characteristics. In fact, prior to the present invention, it was believed that the use of a composite limited the structural design of a siding panel, thereby requiring designs such as shown in the cited art. Therefore, the Applicant respectfully submits that claims 25-30 are in condition for allowance.

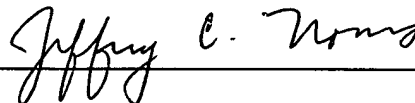
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Conclusion

The Applicant has distinguished claims 1-6, 9-11, 13-18, and 20-30 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Date: 3/23/05

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey C. Norris", is written over a horizontal line.

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### **AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings include changes to Figures 1-4. Each sheet is labeled "Replacement Sheet" and replaces the original sheet.